

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ZAKEIA RASHON BLAKELY,

Defendant.

DOCKET NO. 3:02 CR 151 - GCM
(Related Docket: 3:11 CV 251 - GCM)

ORDER

This Matter is before the Court on Defendant's Motion for Judgment to Reflect Time-Served Sentence and to Correct Supervised Release Term (Doc. 75).

On April 7, 2014, pursuant to the decisions in *United States v. Simmons*, 649 F.3d 237 (4th Cir. 2011) (en banc) and *Miller v. United States*, 735 F.3d 141 (2013), this Court issued an Order (Doc. 74) granting Blakely's Motion for Time Served (Doc. 73) because he was no longer subject to a mandatory minimum sentence from a prior state conviction. The Order did not address Mr. Blakely's supervised release term, which was eligible to be reduced from a ten-year term to a four-year term after the *Simmons* and *Miller* opinions. See Supp PSR at ¶¶ 16-18.

On November 14, 2014, Blakely filed a Motion for Judgment to Reflect Time-Served Sentence and to Correct Supervised Release Term (Doc. 75), asking that the Court issue a Judgment reflecting that, in its April 7, 2014 Order, Mr. Blakely should not only have received a time-served sentence but his supervised release should have also been reduced from a ten-year term to a four-year time after *Simmons* and *Miller*.

On June 8, 2015, this Court entered an Order setting the Government's Response to the

Defendant's Motion (Doc. 77). On June 22, 2015 the Government filed its Response to Defendant's Motion To Modify the Terms of Supervised Release (Doc. 77), in which it agreed that Blakely's supervised term should be reduced to four years on each count to be served concurrently.

Therefore, upon consideration of the relevant filings, this Court finds that the Motion of the Defendant is **GRANTED**, and the April 7, 2014 Order granting Blakely's Motion for Time-Served is Amended to include a supervised release term of four years on each count to be served concurrently.

Signed: June 23, 2015

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen
United States District Judge

